

Wednesday, February 3, 1993

Senate

Chamber Action

Routine Proceedings, pages 1812–1956

Measures Introduced: Twenty-nine bills and six resolutions were introduced, as follows: S. 280–308, S. Res. 60–63, and S.J. Res. 39 and 40.

Page 1957

Measures Passed:

Directing Senate Legal Counsel: Senate agreed to S. Res. 62, to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *Turner Broadcasting System, Inc., et al. v. Federal Communications Commission, et al.* and consolidated cases.

Pages 1880, 1939

Directing Senate Legal Counsel: Senate agreed to S. Res. 63, to authorize representation of Members of the Senate in the case of *Bobbie Hill v. Bill Clinton, et al.*

Pages 1881, 1940

Family and Medical Leave Act: Senate continued consideration of S. 5, to grant family and temporary medical leave under certain circumstances, taking action on amendments proposed thereto, as follows:

Pages 1823, 1844, 1859, 1868, 1876

Rejected:

(1) Craig Amendment No. 4, in the nature of a substitute. (By 67 yeas to 33 nays (Vote No. 1), Senate tabled the amendment.

Page 1828

(2) Gorton Amendment No. 10, to establish provisions relating to notice of leave taking. (By 60 yeas to 40 nays (Vote No. 2), Senate tabled the amendment.)

Page 1829

(3) Gorton Amendment No. 9, to establish provisions relating to key personnel.

Page 1830

(4) Grassley Amendment No. 3, to establish arbitration procedures. (By 53 yeas to 47 nays (Vote No. 3), Senate tabled the amendment.)

Pages 1830, 1840

(5) Kassebaum Amendment No. 11, to make family and medical leave an option under an employer's flexible benefit (cafeteria) plan. (By 63 yeas to 36 nays (Vote No. 4), Senate tabled the amendment.)

Page 1845

(6) Wallop Amendment No. 12, to amend the Fair Labor Standards Act to permit an employee to take compensatory time off in lieu of compensation for overtime hours. (By 64 yeas to 35 nays (Vote No. 5), Senate tabled the amendment.)

Page 1853

(7) Danforth Amendment No. 14, to encourage mediation of complaints filed with respect to family and medical leave. (By 56 yeas to 42 nays (Vote No. 6), Senate tabled the amendment.)

Page 1869

Withdrawn:

Pressler Amendment No. 13, to clarify that the provision of unpaid family leave by any employer shall not affect the applicability of an exemption for executive, administrative, and professional employees from certain requirements of the Fair Labor Standards Act of 1938.

Page 1861

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, February 5.

Page 1878

Senate will continue consideration of the bill and amendments to be proposed thereto on Thursday, February 4.

Nominations Confirmed: Senate confirmed the following nominations:

Hershel Wayne Gober, of Arkansas, to be Deputy Secretary of Veterans Affairs.

R. James Woolsey, of Maryland, to be Director of Central Intelligence.

Pages 1878, 1957

Executive Reports of Committees:

Page 1882

Statements on Introduced Bills:

Page 1882

Additional Cosponsors:

Page 1938

Amendments Submitted:

Page 1940

Authority for Committees:

Page 1942

Additional Statements:

Page 1942

Record Votes: Six record votes were taken today. (Total—6)

Pages 1829, 1844, 1852, 1858, 1873

Recess: Senate convened at 9:15 a.m., and recessed at 7:53 p.m., until 9 a.m., on Thursday, February 4, 1993. (For Senate's program, see the remarks of the Majority Leader in today's Record on page 1957.)

Committee Meetings

FORMER SOVIET UNION

Committee on Armed Services: Committee met to receive a briefing on developments in the former Soviet Union from George Kolt, National Intelligence Officer for Russia and Eurasia, Lawrence K. Gershwin, National Intelligence Officer for Strategic Programs, and Brig. Gen. David A. Armstrong, USA (Ret.), National Intelligence Officer for General Purpose Forces, all of the National Intelligence Council.

Committee will meet again tomorrow.

COMMUNITY DEVELOPMENT BANKS

Committee on Banking, Housing, and Urban Affairs: Committee held hearings on the Administration's proposal to expand community development financial institution activity to help promote job-creating initiatives, receiving testimony from Milton O. Davis, South Shore Bank, Chicago, Illinois; Lyndon Comstock, Community Capital Bank, Brooklyn, New York; Steven W. Lopez, The Fund to Organize The Southside Bank, Grand Rapids, Michigan; Edward H. McNamara, Wayne County Government, Detroit, Michigan; Robert Jackson, Quitman County Federal Credit Union, Marks, Mississippi; Ronald L. Phillips, Coastal Enterprises, Inc., Wiscasset, Maine; Pauline Nunez-Morales, Albuquerque, New Mexico, on behalf of the New Mexico Community Development Loan Fund and the National Association of Community Development Loan Funds; and Michael Swack, Institute for Cooperative Community Development, Manchester, New Hampshire.

Hearings were recessed subject to call.

TAX EXPENDITURES

Committee on the Budget: Committee held hearings to examine the role of tax expenditures in the Federal budget process, receiving testimony from Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; C. Eugene Steuerle, The Urban Institute, Washington, D.C.; and Paul R. McDaniel, University of Florida College of Law, Gainesville.

Committee recessed subject to call.

COMMITTEE BUDGET REQUESTS

Committee on Rules and Administration: Committee held hearings to receive testimony from Senators, as indicated, in support of resolutions requesting funds for operating expenses of their respective committees for periods from March 1, 1993, through February 28, 1994, and from March 1, 1994, through February 28, 1995, as follows:

Committee on Banking, Housing, and Urban Affairs: (S. Res. 50), Senators Riegle and D'Amato;

Committee on Energy and Natural Resources: (S. Res. 39), Senators Johnston and Wallop;

Special Committee on Aging: (S. Res. 44), Senators Pryor and Cohen;

Joint Committee on the Organization of Congress: (S. Res. 46), Senators Boren and Domenici;

Committee on Agriculture, Nutrition, and Forestry: (S. Res. 47), Senators Leahy and Lugar;

Committee on Armed Services: (S. Res. 51), Senators Nunn and Thurmond;

Select Committee on Intelligence: (S. Res. 43), Senators DeConcini and Warner;

Committee on Governmental Affairs: (S. Res. 55), Senators Glenn and Roth; and

Committee on Veterans' Affairs: (S. Res. 59), Senators Rockefeller and Murkowski.

Committee will meet again tomorrow.

NOMINATION

Committee on Veterans' Affairs: Committee ordered favorably reported the nomination of Hershel Wayne Gober, of Arkansas, to be Deputy Secretary of Veterans Affairs.

NOMINATION

Select Committee on Intelligence: Committee ordered favorably reported the nomination of R. James Woolsey, of Maryland, to be Director of Central Intelligence.

House of Representatives

Chamber Action

Bills Introduced: 43 public bills, H.R. 749–807; 3 private bills, H.R. 808–810; and 15 resolutions, H.J. Res. 91–97, H. Con. Res. 33 and 34, and H. Res. 60–65 were introduced.

Page 2082

Reports Filed: Reports were filed as follows:

H. Res. 59, providing for the consideration of H.R. 2, to establish national voter registration procedures for Federal elections (H. Rept. 103–11); and

H. Res. 61, waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (H. Rept. 103–12).

Page 2082

Select Committee on Intelligence: The Speaker appointed as members of the Select Committee on Intelligence the following Members of the House: Representatives Glickman (Chairman), Richardson, Dicks, Dixon, Torricelli, Coleman, Skaggs, Bilbray, Pelosi, Laughlin, Cramer, Reed, Combett, Bereuter, Dornan, Young of Florida, Gekas, Hansen, and Lewis of California.

Page 1958

Privilege of the House: By a yea-and-nay vote of 251 yeas to 174 nays, Roll No. 14, the House agreed to the Gephardt motion to table the Solomon appeal of the ruling of the Chair that a resolution raising a question of the privileges of the House did not constitute such a question of privilege.

Page 1974

Commission on Civil Rights: The Speaker reappointed Ms. Mary Frances Berry from private life to the Commission on Civil Rights on the part of the House.

Page 1976

Meeting Hour: Agreed to meet at noon on Thursday, February 4.

Page 1994

Family and Medical Leave: By a recorded vote of 265 ayes to 163 noes, Roll No. 22, the House passed H.R. 1, to grant family and medical leave under certain circumstances. Agreed to the motion to table the motion to reconsider the vote by a division vote of 21 ayes to 14 noes.

Page 1976

Rejected the Fawell motion to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith containing an amendment further defining the term "employing authority" in the House of Representatives relative to positions on minority staff of committees; and adding language providing that within 90 days of exhausting all procedures under the Fair Employment Practices resolution, or after 180 days of timely filing of a complaint under those procedures, an employee of the House of Representatives may bring a civil action against the "employing authority" in United States district court (rejected by a recorded vote of 175 ayes to 253 noes, Roll No. 21).

Page 2044

On demand for separate votes, agreed to the following amendments agreed to earlier in the Committee of the Whole:

The amendment in the nature of a substitute made in order by the rule, as modified, by a yea-and-nay vote of 266 yeas to 162 nays, Roll No. 20. This amendment was agreed to earlier in the Committee of the Whole by a recorded vote of 269 ayes to 163 noes, Roll No. 18; and

Page 2041

The Goodling amendment that alters language regarding "reduced leave" to permit an employee to take unpaid leave under a "reduced leave" schedule only if the employer agrees, by a yea-and-nay vote of 221 yeas to 204 nays, Roll No. 19. This amendment was agreed to earlier in the Committee of the Whole by a recorded vote of 223 ayes to 209 noes, Roll No. 17.

Pages 2038, 2042

Rejected:

The Goodling amendment that sought to permit employers to offer their employees "cafeteria" plans, that permit the employee to select a type of family leave benefit, to be considered as having met the requirements (rejected by a recorded vote of 187 ayes to 244 noes, Roll No. 15); and

Page 2035

The Goodling amendment that sought to eliminate provisions which permit employers to exempt the top paid 10 percent of their work force from the leave program and would instead permit the employer to exempt any employee whose absence would cause substantial and grievous economic injury to the operations of the employer or substantial endangerment to the health and safety of other employees or the public (rejected by a recorded vote of 185 ayes to 238 noes, Roll No. 16).

Page 2037

The Clerk was authorized to make corrections in section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary in the engrossment of the bill.

Page 2047

H. Res. 58, the rule under which the bill was considered, was agreed to by a yea-and-nay vote of 259 yeas to 164 nays, Roll No. 13. Earlier, agreed to order the previous question on the resolution by yea-and-nay vote of 246 yeas to 176 nays, Roll No. 12.

Page 2066

Quorum Calls—Votes: Five yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages 1972, 1973, 1976, 2035, 2037, 2040, 2041, 2041, 2042, 2043, 2045. There were no quorum calls.

Adjournment: Met at noon and adjourned at 12:31 p.m.

Committee Meetings

ECONOMIC SITUATION IN AGRICULTURE

Committee on Agriculture: Held a hearing to review the economic situation in Agriculture. Testimony was heard from Representative Long; Mike Espy, Secretary of Agriculture; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Commission of Fine Arts, National Capital Planning Commission and Energy Information Administration. Testimony was heard from L.A. Pettis, Deputy Administrator, Energy Information Administration, Department of Energy; J. Carter Brown, Chairman, Commission of Fine Arts; and Glen T. Urquhart, Chairman, National Capital Planning Commission.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on Congressional Operations Panel. Testimony was heard from public witnesses.

TREASURY—POSTAL SERVICE—GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on IRS Overview, and GAO Overview (on IRS operations). Testimony was heard from Michael P. Dolan, Acting Commissioner, IRS, Department of the Treasury; and Jennie S. Stathis, Director, Tax Policy and Administration Issues, General Government Division, GAO.

COMMUNITY DEVELOPMENT INSTITUTIONS—ACTIVITIES AND PROGRAMS

Committee on Banking, Finance and Urban Affairs: Subcommittee on Financial Institutions Supervision, Regulation, and Deposit Insurance continued hearings on the activities and programs of existing community development

institutions. Testimony was heard from Representative Kaptur; Robert H. Swan, member, National Credit Union Administration; Janis A. Booker, Director, Community Development, Office of the Comptroller of the Currency, Department of the Treasury; Griffith L. Garwood, Office of Community Affairs, Board of Governors, Federal Reserve System; Andrew Hamilton, Financial Review Manager, Department of Commerce and Community Affairs, State of Illinois; and a public witness.

Hearings continue tomorrow.

ECONOMIC AND BUDGET OUTLOOK

Committee on the Budget: Held a hearing on the CBO's Report on the Economic and Budget Outlook. Testimony was heard from Robert D. Reischauer, Director, CBO.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION

Committee on Energy and Commerce: Subcommittee on Health and the Environment held a hearing on H.R. 4, National Institutes of Health Revitalization Act of 1993, and related bills. Testimony was heard from Representatives Schroeder and Slaughter; Donna E. Shalala, Secretary of Health and Human Services; and public witnesses.

LIMITED PARTNERSHIP ROLLUP REFORM ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and Finance held a hearing on H.R. 617, Limited Partnership Rollup Reform Act of 1993. Testimony was heard from public witnesses.

U.S. POLICY TOWARD LATIN AMERICA

Committee on Foreign Affairs: Held a hearing on U.S. Policy Toward Latin America. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Merchant Marine and Fisheries: Subcommittee on Coast Guard and Navigation met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Merchant Marine and Fisheries: Subcommittee on Oceanography, Gulf of Mexico and Outer Continental Shelf met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Public Works and Transportation: Subcommittee on Public Buildings and Grounds met for organizational purposes.

INVESTING IN AMERICA'S INFRASTRUCTURE

Committee on Public Works and Transportation: Subcommittee on Economic Development continued hearings on "Investing in America's Infrastructure: Short- and Long-Term Strategies." Testimony was heard from Representatives Lowey, DeLauro, Olver, DeFazio, Gejdenson, Frank,

Nussle, Mazzoli, Machtley, Furse, Santorum, Baesler, Skeen, Shays, and Barrett of Wisconsin.

NATIONAL VOTER REGISTRATION ACT; COMMITTEE BUDGET

Committee on Rules: The Committee granted a rule providing 1 hour of debate on H.R. 2, National Voter Registration Act of 1993. Clause 2(L)(6) of Rule XI is waived against the bill. The rule provides that the amendments reported by the House Administration Committee and now printed in the bill, along with the amendment printed in part 1 of the report to accompany the rule, will be considered as adopted in the House and in the Committee of the Whole. The rule makes in order no other amendments except one amendment to be offered by Representative Michel or his designee and printed in part 2 of the report to accompany the rule. The Michel amendment is debatable for 1 hour and is not subject to amendment. The rule provides one motion to recommit.

The Committee also adopted its budget.

FAMILY AND MEDICAL LEAVE ACT

Committee on Rules: Granted a rule allowing the House to consider a rule on the same day it is reported—without a two-thirds majority vote as required in clause 4(b) of rule XI—so long as the rule provides for consideration of a bill relating to family and medical leave.

NATIONAL COMPETITIVENESS POLICY ACT

Committee on Science, Space, and Technology: Subcommittee on Technology, Environment and Aviation held a hearing on National Competitiveness Policy Act. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Small Business: Met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Health met for organizational purposes.

PROGRAM AREAS THAT ARE VULNERABLE TO FRAUD, WASTE, ABUSE, AND MISMANAGEMENT

Committee on Ways and Means: Subcommittee on Oversight held a hearing to review program areas within Committee jurisdiction that are vulnerable to fraud, waste, abuse, and mismanagement. Testimony was heard from the following officials of the GAO: Donald R. Wurtz, Director, Financial Integrity Issues, Accounting and Financial Management Division; Joseph R. Delfico, Director, Income Security Issues and Janet L. Shikles, Director, Health Financing and Policy Issues, both with the Human Resources Division; Jennie S. Stathis, Director, Tax Policy and Administration Issues, J. William Gadsby, Director, Government Business Operation Issues and Gaston L. Gianni, Associate Director, Government Business Operation

Issues, all with the General Government Division; and Richard L. Hembra, Director, Environmental Protection Issues, Resources, Community and Economic Development Division.

COMMITTEE ORGANIZATION

Permanent Select Committee on Intelligence: Met for organizational purposes.

Thursday, February 4, 1993

Senate

Chamber Action

Routine Proceedings, pages 2124-2426

Measures Introduced: Forty-six bills and eleven resolutions were introduced, as follows: S. 309-354, S. Res. 64-67, S.J. Res. 41-45, and S. Con. Res. 9 and 10.

Page 2291

Measures Reported: Reports were made as follows:

S. Res. 65, to authorize expenditures of the Committee on the Judiciary.

Page 2291

Measures Passed:

Family and Medical Leave Act: By 71 yeas to 27 nays (Vote No. 11), Senate passed H.R. 1, to grant family and temporary medical leave under certain circumstances, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 5, Senate companion measure, after taking action on amendments proposed thereto, as follows:

Page 2158

Adopted:

(1) Dole Amendment No. 17, relating to a review of Department of Defense policy concerning service of homosexuals in the Armed Forces.

Page 2167

(2) Mitchell Amendment No. 18 (to Amendment No. 17), expressing the Sense of the Congress with respect to current military policy with respect to the service of homosexuals in the Armed Forces. (By 1 yeas to 98 nays (Vote No. 8), Senate failed to table the amendment.)

Page 2167

(3) Dodd Amendment No. 20, to revise the duties and membership of the Commission on Leave.

Page 2245

(4) Dodd Amendment No. 21, to make technical corrections.

Page 2246

Rejected:

(1) Dole Amendment No. 15, to limit the period for which a public employer may be required to provide family and medical leave.

Page 2159

(2) Dole Amendment No. 16, to limit the period for which a public employer may be required to provide family and medical leave. (By 67 yeas to 31 nays (Vote No. 7), Senate tabled the amendment.)

Page 2163

(3) Dole Amendment No. 19 (to Amendment No. 17), relating to a review of Department of Defense policy concerning service of homosexuals in the Armed Forces. (By 62 yeas to 37 nays (Vote No. 9), Senate tabled the amendment.)

Page 2244

(4) Brown Amendment No. 22, to modify provisions relating to intermittent leave and leave on a reduced leave schedule. (By 59 yeas to 39 nays (vote No. 10), Senate tabled the amendment.)

Page 2246

Subsequently, S. 5, Senate companion measure, was indefinitely postponed.

Page 2255

Authorizing Use of United States Armed Forces in Somalia: Senate passed S.J. Res. 45, authorizing the use of United States Armed Forces in Somalia.

Page 2271

Recess/Adjournment Resolution: Senate agreed to S. Con. Res. 10, providing for a conditional recess or adjournment of the Senate from Thursday, February 4, 1993, or Friday, February 5, 1993, until Tuesday, February 16, 1993, and a conditional adjournment of the House from Thursday, February 4, 1993, or Friday, February 5, 1993, until Tuesday, February 16, 1993.

Page 2276

National Burn Awareness Week: Committee on the Judiciary was discharged from further consideration of S.J. Res. 20, to designate February 7, 1993, through February 13, 1993, and February 6, 1994, through February 13, 1994, as "National Burn Awareness Week," and the measure was then passed.

Page 2425

Washington's Farewell Address: A unanimous-consent agreement was reached providing for the reading of Washington's Farewell Address on Tuesday, February 23, 1993, and the Chair was authorized to appoint a Senator to perform the task.

Page 2426

Nominations Confirmed: Senate confirmed the following nominations:

Laura D'Andrea Tyson, of California, to be a Member of the Council of Economic Advisers.

Page 2426

Messages From the House:

Page 2291

Communications:

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Statements on Introduced Bills:

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Additional Cosponsors:

Page 2406

Amendments Submitted:

Page 2412